

ORDINANCE

By Reich

Amending Title 18, Chapter 490 of the Minneapolis Code of Ordinances relating to Traffic Code: Bicycles.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Sections 490.10 through 490.280 of the above-entitled ordinance be amended to read as follows:

ARTICLE I. - GENERALLY

490.10. – Defined.

“Bicycle” as used in this chapter shall have the meaning specified in Minnesota Statue Section 169.011.

490.20. Reserved.

490.30. Reserved.

490.40. - Frame number required. No person shall purchase or sell any bicycle or bicycle frame which has no frame number plainly set forth thereon.

490.50. - Tampering with frame number or registration. No person shall willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this article or state law. No person shall remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. The director of licenses and consumer services may, however, stamp numbers on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

490.55. - Tampering with a bicycle. No person, other than the owner or the owner's authorized agent, except for protection of the bicycle, shall tamper with any bicycle which has been locked or placed in a rack or otherwise secured.

490.60. - Impounding authorized.

~~(a) Any bicycle found unattended in any street, alley, highway, sidewalk or other public property with a mutilated frame number, or any bicycle improperly attached, may be immediately removed and impounded by any officer or duly authorized employee of the department under procedures promulgated by the department. The bicycle may be surrendered upon proof of ownership. Bicycles may be impounded by any traffic officer or duly authorized city employee because:~~

(1) The bicycle was found unattended on public property with a mutilated frame number.

(2) The bicycle was found improperly attached in violation of section 490.150 of this chapter.

(3) The bicycle was found unattended and blocking traffic or public infrastructure, or otherwise compromising public safety.

(4) The bicycle is part of an unpermitted bicycle sharing operation and is found in violation of one or more provisions of Article IV of this chapter.

(5) The bicycle is found in violation of one or more of the terms of a contract or license issued under Article IV of this chapter.

(b) ~~Prior to impoundment, and where no emergency conditions exist or where traffic is not unduly impeded, a warning shall be issued and placed upon any bicycle found improperly attached, stating that should the bicycle not be removed within twenty-four (24) hours, then impoundment shall occur.~~ Prior to impoundment, and where no emergency conditions exist or where traffic is not unduly impeded, a warning shall be issued and placed upon any bicycle found in violation of subsections (a)(1) and (a)(2) herein. The warning shall state that should the bicycle not be removed within twenty-four (24) hours, then impoundment shall occur. All other bicycles found in violation of this section 490.60 are subject to impoundment without warning.

(c) "Impoundment" or "Impound" as used in this chapter means removal of a bicycle to a temporary storage location or designated impound facility by the city, or by a city-licensed impoundment contractor, in response to authorization from a police officer, traffic control agent, or other city employee who is designated by the director of public works to act under this section. The impoundment provisions of this section shall not apply to bicycles that are impounded or confiscated by a police officer as a result of, or in connection with, criminal activity not covered by this chapter.

(d) Not more than seventy-two (72) hours after impoundment of any bicycle, the city shall attempt notice to the owner of the bicycle, as disclosed by readily identifiable owner contact information attached to the bicycle. The notice shall be attempted by telephone, electronic mail, or US mail. The notice shall outline the impoundment and redemption process. If a bicycle is redeemed prior to the submission of notice, or if the city is unable to readily identify the owner, then notice need not be sent. Saturdays, Sundays and city holidays are to be excluded from the calculation of the seventy-two-hour period.

(e) All bicycles impounded under this section shall be subject to an impounded fee that is sufficient to offset the city's costs of enforcement and storage for each such bicycle.

490.70. – Sale of impounded bicycles. Any bicycle lawfully coming into the possession of the city and remaining unclaimed by the owner for a period of at least thirty (30) days may be sold to the highest bidder at public auction or sale following reasonable published notice.

490.80.—490.120. - Reserved.

ARTICLE II. – OPERATION

490.130. - State bicycle laws apply. The operation of a bicycle upon any public street, alley, highway, sidewalk, or other public property in the city shall be governed by the provisions of Minnesota Statutes, Section 169.222 ~~and together with~~ this chapter.

490.140. - Riding on sidewalk. No person shall ride a bicycle upon a sidewalk within a business district or upon any sidewalk where prohibited by appropriate signage.

490.150. - Attachment of objects prohibited; exception for bicycles. No person shall secure, attach or connect in any manner any motorized vehicle, boat, or any trailer or trailer-like vehicle or device or any motorized or non-motorized bicycle to any tree, parking meter post, street light post, traffic signal post or post sign; except as follows:

~~Motorized and non-motorized bicycles~~ Bicycles that are not part of a bicycle sharing operation shall be permitted to be parked upon a sidewalk and to be temporarily attached to sign posts and bicycle racks. When parked or attached as permitted, ~~motorized and non-motorized bicycles~~ bicycles shall not impede the normal and reasonable movement of pedestrian or other traffic.

490.160. - Bicycle events. No person shall conduct a bicycle event, parade, contest or race without having first secured a proper permit ~~from the office of the mayor~~. Approval for such permit shall be granted only under conditions which assure reasonable safety for all participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

490.170. – 490.190. – Reserved.

490.200. - Reserved.

490.210., 490.220. – Reserved.

490.230. – 490.240. Reserved

ARTICLE III. - BICYCLE RACKS

490.250. - Permit required. No person, firm or corporation shall install or maintain a bicycle rack on any public street or sidewalk without first obtaining a permit ~~from the city council~~. Bicycle racks under this Article III shall not include any rack or facility that is part of a permitted bicycle sharing operation under Article IV.

490.260. - Application for permit. Application shall be made ~~to the city clerk~~ and shall contain such information as may be required by the ~~city clerk~~ city's director of public works. The applicant shall agree in making application for a permit, to remove the bicycle rack upon request ~~by the city council~~ at no cost to the city. The applicant shall attach to the application a fully detailed sketch or plan showing the dimensions of the bicycle rack, the adjoining street and sidewalk, all posts and fixtures in the adjoining sidewalk, and all structures, fixtures or buildings on abutting land. The ~~city engineer~~ public works department shall review the application and plan, and ~~shall make recommendation for issue~~ approval or denial ~~to the city council~~.

490.270. - Insurance. The applicant shall furnish and file ~~with the city clerk~~ a certificate of insurance showing the existence of public liability insurance at least in the amount of one hundred thousand dollars (\$100,000.00) for injury to one person, three hundred thousand dollars (\$300,000.00) for one occurrence, and fifty thousand dollars (\$50,000.00) for property damage in which the City of

Minneapolis is named as an additional named insured. There shall be attached to said certificate or policy, and made a part thereof, an endorsement which shall be in the form currently approved by the city attorney.

~~**490.280. – Parking of bicycles.** Bicycle racks for parking of bicycles shall at city expense be placed on the Mall at such locations as are designated by the city engineer, recommended by the Mall advisory board, and approved by the city council.~~

Section 2. That Chapter 490 of the Minneapolis Code of Ordinances be amended by adding thereto a new Article IV, Bicycle Sharing Operations, including new Sections 490.280 through 490.340, to read as follows:

ARTICLE IV. - BICYCLE SHARING OPERATIONS

490.280. – Defined.

The words “bicycle sharing” as used in this chapter shall mean any rental or lending services that:

(1) Allows bicycle riders to temporarily use bicycles available from a fleet in exchange for a fee or other form of direct or indirect compensation; and

(2) Encourages, allows, or is susceptible to bicycle vending, renting, or lending from city maintained right-of-way or other city property.

490.290. – Contract or license required.

(a) Notwithstanding any other provision to the contrary, no person shall engage in the business of bicycle sharing from city maintained right of way or other city property without a valid contract or license agreement with the city. As used in this chapter, the words “contract” or “license” shall mean a written contract or agreement issued by the city’s director of public works, with formal approval by the city council.

(b) Any bicycle that is part of a bicycle sharing operation not authorized by contract or license under this section shall be deemed an unpermitted bicycle. Any person in possession of an unpermitted bicycle may ride such bicycle into and through the city, subject to all applicable state and local laws and rules, including but not limited to any ordinances promulgated by the Minneapolis Park and Recreation Board. All unpermitted bicycles must be attended by the same user at all times while on city maintained right of way or other city property. As used in this article, “attended” means a readily identifiable user is located within five feet of the bicycle.

490.300. - Control of right-of-way. Contracts or licenses issued pursuant to this chapter shall not operate so as to transfer ownership or control of the public right-of-way to bicycle sharing operators, or to any other party.

490.310. - Compliance with laws. Bicycle sharing operators and consumers shall comply with all applicable federal, state, and local laws, as they may be amended from time to time.

490.320. - Attachment of bicycles prohibited. Bicycles that are part of any bicycle sharing operation shall not, for any length of time, be secured, attached, or connected to a bicycle rack, or any other immovable object with a lock unless expressly permitted under city contract or license.

490.330. - Exclusive use of bicycle sharing stations. Bicycles that are part of any bicycle sharing operation shall not be parked, for any length of time, in a designated, city-permitted bicycle sharing station unless such bicycle is permitted by a valid contract or license under section 490.290. All city-permitted bicycle sharing stations will be clearly identified.

490.340. - Enforcement.

(a) Bicycles may be deemed to be part of a bicycle sharing operation based on any of the following: marketing or advertising associated with a business logo attached to the bicycle; marketing or advertising associated with the overall appearance of the bicycle; the existence of a locking mechanism that can be unlocked for a fee or other form of direct or indirect compensation; or any other indicator that would lead a reasonable person to believe that the bicycle is used for bicycle sharing as defined in this chapter.

(b) Any bicycle deemed to be part of a bicycle sharing operation that is found illegally parked, left unattended on city maintained right of way or other city property for a period of more than fifteen minutes, or otherwise in violation of the terms of a valid city contract or license, shall be subject to impoundment under Article I of this chapter.

(c) Any bicycle deemed to be part of a bicycle sharing operation that is left unattended on private property shall be subject to impoundment under Article I of this chapter. Impoundment shall not occur unless and until a qualifying request to remove the bicycle is made by the owner or authorized representative of such property.

(d) In addition to any other remedy available at equity or law, failure to comply with the provisions of this chapter 490, or with the terms of any contract or license issued pursuant to the provisions of section 490.290, may result in impoundment as provided in this chapter, license revocation, suspension or cancellation, administrative fines, restrictions, or penalties as provided in Chapter 2 of this Code.